

DOCKET NO. HHD-CV20-6134528-S	:	SUPERIOR COURT
	:	
STATE OF CONNECTICUT,	:	J.D. OF HARTFORD
<i>EX REL</i> WILLIAM TONG,	:	
ATTORNEY GENERAL	:	
	:	
V.	:	AT HARTFORD
	:	
	:	
ARMANDO J. PEREZ	:	JANUARY 31, 2021

**MOTION TO INTERVENE / CITE IN ADDITIONAL PARTY**

Pursuant to C.G.S. §§ 1-110a(b)(5)(d), 52-102, 52-107, and Practice Book § 9-18, the defendant’s spouse, ISABEL PEREZ (“Mrs. Perez”), respectfully requests that the Court allow her to intervene as an additional party to the above-entitled action as an interested party. The plaintiff, State of Connecticut *ex rel.* William Tong, Attorney General (the "State"), has no objection to adding Mrs. Perez as an additional, interested party in this action.

**Background**

The State has filed a one-count Complaint seeking the revocation or reduction of the pension of the defendant, Armando J. Perez (“Mr. Perez”) pursuant to C.G.S. § 1-110a, *et seq.* The Complaint names only Mr. Perez as a defendant. Mrs. Perez is an “innocent spouse” within the meaning of the statute and has an interest that the Court’s judgment will affect, as set forth below. Accordingly, Mrs. Perez is a necessary and appropriate party to this action.

**Argument**

Conn. Gen .Stat. § 1-110a(b)5(d) provides:

If the Superior Court determines that the pension of a public official or state or municipal employee should be reduced, it may, after taking into consideration the financial needs and resources of any innocent spouse, dependents and designated beneficiaries of the public official or state or municipal employee, order that some or all of the reduced pension be paid to any such innocent spouse, dependent or beneficiary as justice may require.

Conn. Gen. Stat. §§52-102 and 52-107 govern the intervention and/or additional of non-parties to an action. Conn. Gen. Stat. §52-102 provides:

Upon motion made by any party or nonparty to a civil action, the person named in the party's motion or the nonparty so moving, as the case may be, (1) may be made a party by the court if that person has or claims an interest in the controversy, or any part thereof, adverse to the plaintiff, or (2) shall be made a party by the court if that person is necessary for a complete determination or settlement of any question involved therein; provided no person who is immune from liability shall be made a defendant in the controversy.

Conn. Gen. Stat. §52-107 provides:

The court may determine the controversy as between the parties before it, if it can do so without prejudice to the rights of others; but, if a complete determination cannot be had without the presence of other parties, the court may direct that such other parties be brought in. If a person not a party has an interest or title which the judgment will affect, the court, on his application, shall direct him to be made a party.

Practice Book §9-18 provides:

The judicial authority may determine the controversy as between the parties before it, if it can do so without prejudice to the rights of others; but, if a complete determination cannot be had without the presence of other parties, the judicial authority may direct that they be brought in. If a person not a party has an interest or title which the judgment will affect, the judicial authority, on its motion, shall direct that person to be made a party.

In ruling upon a motion to intervene as a matter of right, a multi-factor test is applied:

The motion to intervene must be timely, the movant must have a direct and substantial interest in the subject matter of the litigation, the movant's interest must be impaired by disposition of the litigation without the movant's involvement and the movant's interest must not be represented adequately by any party to the litigation.

*Kerrigan v. Comm'r of Pub. Health*, 279 Conn. 447, 456–57 (2006) (citations and quotations omitted).

In the alternative, in ruling upon a motion to intervene permissively, a trial court may exercise its discretion to add a party after considering several factors:

A trial court exercising its discretion in determining whether to grant a motion for permissive intervention balances several factors: the timeliness of the intervention, the proposed intervenor's interest in the controversy, the adequacy of representation of such interests by other parties, the delay in the proceedings or other prejudice to the existing parties the intervention may cause, and the necessity for or value of the intervention in resolving the controversy before the court .....

*Kerrigan*, 279 Conn. at 461 (quotations and citations omitted).

Here, Mrs. Perez has established that she satisfies the four elements required to intervene as a matter of right as: (1) the motion is being timely made as trial has yet to be scheduled; (2) she has a direct and substantial interest in the subject matter of the litigation as she may qualify for spouse's benefits under the pension at issue here; (3) her interest will be impaired by disposition of the litigation without her involvement; and (4) her interest is not represented by any party to the litigation.

Even if she may not intervene as of right, Mrs. Perez should be allowed to intervene permissively because it is appropriate and necessary under the circumstances, and there is no prejudice caused to the existing parties by such

intervention. Moreover, Mrs. Perez's interests could be impaired by the final disposition of the litigation without her involvement. If a stipulated resolution is reached in the matter, it will be helpful to have all interested parties before the Court.

**Conclusion**

WHEREFORE, Mrs. Perez, as the intervenor and proposed additional defendant, hereby requests that the Court grant this motion and order that she be made an additional party.

Respectfully submitted,

INTERVENOR / PROPOSED  
DEFENDANT ISABEL PEREZ

/s/ Robert M. Frost

Robert M. Frost, Jr.

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**CERTIFICATION**

I hereby certify that a copy of the foregoing pleading was or will immediately be mailed or delivered electronically on January 31, 2021 to the following counsel of record with consent:

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/s/ Robert M. Frost, Jr.  
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